

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

UNITED STATES OF AMERICA

v.

OLIVAR MARTINEZ-BLANCO,

Defendant.

CRIMINAL ACTION

NUMBER 1:06-cr-396-TCB

ORDER

This case comes before the Court on Defendant Olivar Martinez-Blanco's pro se motion [228] for a sentence reduction pursuant to 18 U.S.C. § 3582(c)(2) and Amendment 782 to the United States Sentencing Guidelines.

Martinez-Blanco was convicted of one count of conspiring to possess with intent to distribute at least five kilograms of cocaine, and one count of attempting to distribute at least five kilograms of cocaine. Pursuant to U.S.S.G. §4B1.1 he was determined to be a career offender

and was sentenced to life in prison, which was later modified to a term of twenty-five years. [224].

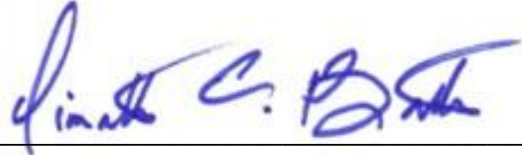
Since Martinez-Blanco was sentenced pursuant to the career offender enhancement, and his sentence was not based on the guideline range for drug offenses, he is ineligible for a sentence reduction pursuant to § 3582(c)(2) and Amendment 782 as a matter of law. *United States v. Johnson*, 502 F. App'x 814, 814-15 (11th Cir. 2012) (“[A] reduction is inappropriate if an offender was originally sentenced as a career offender.”). As explained by the Eleventh Circuit:

Where a retroactively applicable guideline amendment reduces a defendant's base offense level, but does not alter the sentencing range upon which his or her sentence was based, § 3582(c)(2) does not authorize a reduction in sentence. Here, although [the amendment at issue] would reduce the base offense levels applicable to the defendants, it would not affect their guideline ranges because they were sentenced as career offenders under §4B1.1.

United States v. Moore, 541 F.3d 1323, 1330 (11th Cir. 2008).

For the foregoing reasons, Martinez-Blanco's motion [228] for a sentence reduction is denied.

IT IS SO ORDERED this 27th day of January, 2016.

A handwritten signature in blue ink, appearing to read "Timothy C. Batten, Sr.", written over a horizontal line.

Timothy C. Batten, Sr.
United States District Judge